

December 23, 2009

CLERK, U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

0002296046

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Attorneys for HSBC BANK USA, NATIONAL ASSOCIATION, AS TRUSTEE FOR THE
HOLDERS OF NOMURA HOME EQUITY LOAN, INC., HOME EQUITY
LOAN TRUST, SERIES 2007-1

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In re

GERRY V DUQUE AND ROSALINA N
DUQUE,

Debtor(s).

Case No. 09-60204-A

Chapter 7

D.C. No. PD-1

ORDER GRANTING MOTION FOR
RELIEF FROM AUTOMATIC STAY

HSBC BANK USA, NATIONAL
ASSOCIATION, AS TRUSTEE FOR THE
HOLDERS OF NOMURA HOME
EQUITY LOAN, INC., HOME EQUITY
LOAN TRUST, SERIES 2007-1 ,

Movant,

vs.

GERRY V DUQUE AND ROSALINA N
DUQUE, Debtor(s); and JAMES
EDWARD SALVEN, Chapter 7 Trustee,

Respondents.

LBR 4001-1 and 9014-1(f)(1)

DATE: December 15, 2009

TIME: 1:30 p.m.

CTRM: 11

2500 Tulare Street
Fresno, CA 93721-1318

RECEIVED

December 18, 2009

CLERK, U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

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1 The above-captioned matter came on for hearing on December 15, 2009, in the
2 Courtroom of the Honorable Whitney Rimel, upon the Motion of HSBC Bank USA, National
3 Association, as Trustee for the holders of Nomura Home Equity Loan, Inc., Home Equity Loan
4 Trust, Series 2007-1 ("Movant"), for relief from the automatic stay of 11 U.S.C. § 362, to
5 enforce its interest in the property of Gerry V Duque and Rosalina N Duque ("Debtors")
6 commonly known as 11747 Red Water Court, Las Vegas, Nevada 89123 (the "Real Property"),
7 which is legally described as follows:

8 SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT A
9 AND MADE A PART HEREOF.

10 Appearances as noted on the record.

11 Based on the arguments of counsel, and good cause appearing therefor,

12 IT IS HEREBY ORDERED:

13 1) The automatic stay of 11 U.S.C. § 362, is hereby terminated as it applies to the
14 enforcement by Movant of all of its rights in the Real Property under Note and Deed of Trust;

15 2) The 14-day stay provided by Bankruptcy Rule 4001 (a)(3) is not waived;

16 3) The court determines that this bankruptcy proceeding has been finalized for
17 purposes of Cal. Civil Code § 2923.5 and the enforcement of the note and deed of trust described
18 in the motion against the subject real property.

19 Dated:

20 Dec 23, 2009


United States Bankruptcy Judge

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EXHIBIT "A"

**LOT 26 OF TERRACINA III SOUTH UNIT 1, AS SHOWN BY MAP THEREOF
ON FILE IN BOOK 122 OF PLATS, PAGE 77, IN THE OFFICE OF THE
COUNTY RECORDER OF CLARK COUNTY, NEVADA AND AMENDED BY
CERTIFICATE OF AMENDMENT RECORDED MAY 5, 2005 IN BOOK
20050505 AS DOCUMENT NO. 0004086 AND AMENDED BY CERTIFICATE OF
AMENDMENT RECORDED JULY 11, 2005 IN BOOK 20050711 AS DOCUMENT
NO. 4655.**